

### **REMARKS**

In the Office Action, the Examiner rejected claims 1-20. By this paper, Applicants have amended claims 10 and 18. These amendments do not add any new matter and support for the amendments may be found in at least FIGS. 1 and 2, with specific attention to reference numerals 12, 18, 24, 34, and 36, as well as paragraph 16 of the originally filed specification. Upon entry of these amendments, claims 1-20 will remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

### **Rejections Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. § 102(b) as anticipated by Scott et al., U.S. Patent No. 5,953,340 (hereinafter "Scott"). Applicants respectfully traverse this rejection. Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). The prior art reference also must show the *identical* invention "*in as complete detail as contained in the ... claim*" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Scott fails to anticipate all elements of independent claims 1, 10, and 18. Independent claim 1 recites, *inter alia*, "a second portion connectable to said first point

and said second point, said second portion being configured to transmit free of collision management a second set of messages transmittable *from said second point to said first point.*" (Emphasis added). Independent claim 10 recites, *inter alia*, "a first plurality of connections for connecting said hub portion to a plurality of first points on a bi-directional communication network and to a second point on the bi-directional communication network for transmitting messages *from the second point to the first points*; and a second plurality of connections for connecting said switch portion to said plurality of first points and to said second point for transmitting messages *from the same first points to the second point.*" (Emphasis added). Similarly, independent claim 18 recites, *inter alia*, "transmitting a second message from *said single second point to each of the same said plurality of first points* through a hub portion of said communication device." (Emphasis added).

Scott describes a system that includes an adaptive networking device 151 including connector ports 154 capable of interfacing between data devices in a first domain, e.g., in a switch mode using an Ethernet 10Base-T data transmission protocol, and a second domain, e.g., in a repeater mode using an Ethernet 100Base-T data transmission protocol. *See* Scott, FIG. 4; col. 7, line 64 – col. 8, line 3, col. 8, lines 27-29 and 43-45, and col. 9, lines 10-15. The connector ports are coupled to interface circuits that act to couple each connector port to *either* the switch module *or* the repeater module, that is, transferring *either* at 10 Mbps *or* 100 Mbps, depending on the protocol of the associated data device or network component connected to the respective data port. *See* Scott, col. 9, lines 28-30 and 50-55. Scott further describes a converter 174 that is used to transfer data from a switch module (in the 10 Mbps domain), to a repeater module (in the 100 Mbps domain). *See* Scott, col. 10, lines 25-35. Therefore, data that is transmitted from a connector port 154 attached to a device in the first domain is transmitted to a connector port 154 attached to a device in the second domain via the converter. *See id.*, col. 10, lines 36-47.

The Examiner has characterized the converter 174, between the switch module 172 and the repeater module 176, and the interface circuits 160 as the first and second points recited in independent claims 1, 10, and 18. However, as demonstrated above, the switch module 172 and the repeater module 176 *do not transmit to the same interface circuits 160*. If this were the case, then there would be no need for the converter 174 to transfer data between devices in the first and the second domains. Indeed, the transmission path from a device in the first domain to a device in the second domain includes a *first* port 154 (attached to a device in the first domain) connected to a *first* interface circuit 160, through the switch module 172, converted in the converter 174 and passed to the repeater module 176 which sends the data to a *second* interface circuit 160 connected to a *second* port 154 (attached to a device in the second domain). *See* Scott, col. 10, lines 36-47. Therefore the transmission path described in Scott includes a *first* port 154 connected to a *first* interface circuit (first point) connected to a converter 174 (second point) and a *second* interface circuit 160 (third point) connected to the converter 174 (second point).

As such, Scott does not show a network with a first portion connectable to a first point and a second point *as well as* a second portion connectable to said first point and *said second point* for transmission of messages *from said second point to said first point*, as recited in independent claim 1, because the network described by Scott, as shown above, includes transmission from a first to a second to a third point and not transmission from a first point to a second point and back to *the same* first point.

Similarly, Scott does not show transmitting messages from *the same first points to the second point*, as recited in independent claim 10, nor does Scott show transmitting a second message from *said single second point to each of the same said plurality of first points*, as recited in independent claim 18.

As such, Scott fails to disclose all limitations of independent claims 1, 10, and 18, and, therefore, cannot anticipate the claims under Section 102. Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of independent claims 1, 10, and 18, as well as all claims depending thereon.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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